

SENATE AMENDMENTS TO SENATE BILL 391

By COMMITTEE ON HOUSING AND DEVELOPMENT

April 12

- 1 On page 1 of the printed bill, delete lines 5 through 30.
- 2 On page 2, delete lines 1 through 35 and insert:
- 3 **“SECTION 2. (1) As used in this section:**
- 4 **“(a) ‘Accessory dwelling unit’ has the meaning given that term in ORS 215.501.**
- 5 **“(b) ‘Area zoned for rural residential use’ has the meaning given that term in ORS**
- 6 **215.501.**
- 7 **“(c) ‘Single-family dwelling’ has the meaning given that term in ORS 215.501.**
- 8 **“(2) Consistent with a county’s comprehensive plan, a county may allow an owner of a**
- 9 **lot or parcel within an area zoned for rural residential use to construct one accessory**
- 10 **dwelling unit on the lot or parcel, provided:**
- 11 **“(a) The lot or parcel is not located within an area designated as an urban reserve as**
- 12 **defined in ORS 195.137;**
- 13 **“(b) The lot or parcel is at least two acres in size;**
- 14 **“(c) One single-family dwelling is sited on the lot or parcel;**
- 15 **“(d) The existing single-family dwelling property on the lot or parcel is not subject to an**
- 16 **order declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600;**
- 17 **“(e) The accessory dwelling unit will comply with all applicable laws and regulations re-**
- 18 **lating to sanitation and wastewater disposal and treatment;**
- 19 **“(f) The accessory dwelling unit will not include more than 900 square feet of useable**
- 20 **floor area;**
- 21 **“(g) The accessory dwelling unit will be located no farther than 100 feet from the existing**
- 22 **single-family dwelling;**
- 23 **“(h) If the water supply source for the accessory dwelling unit or associated lands or**
- 24 **gardens will be a well using water under ORS 537.545 (1)(b) or (d), no portion of the lot or**
- 25 **parcel is within an area in which new or existing ground water uses under ORS 537.545 (1)(b)**
- 26 **or (d) have been restricted by the Water Resources Commission;**
- 27 **“(i) No portion of the lot or parcel is within a designated area of critical state concern;**
- 28 **“(j) The lot or parcel is within a rural fire protection district organized under ORS**
- 29 **chapter 478;**
- 30 **“(k) The lot or parcel and accessory dwelling unit comply with rules of the State Board**
- 31 **of Forestry under ORS 477.015 to 477.061;**
- 32 **“(L) Statewide wildfire risk maps have been approved and the accessory dwelling unit**
- 33 **complies with the Oregon residential specialty code relating to wildfire hazard mitigation for**
- 34 **the mapped area; and**
- 35 **“(m) The county has adopted land use regulations that ensure that:**

1 “(A) The accessory dwelling unit has adequate setbacks from adjacent lands zoned for
2 resource use;

3 “(B) The accessory dwelling unit has adequate access for firefighting equipment, safe
4 evacuation and staged evacuation areas; and

5 “(C) If the accessory dwelling unit is not subject to ORS 477.015 to 477.061, the accessory
6 dwelling unit has defensible space and fuel break standards as developed in consultation with
7 local fire protection service providers.

8 “(3) A county may not allow an accessory dwelling unit allowed under this section to be
9 used for vacation occupancy, as defined in ORS 90.100.

10 “(4) A county that allows construction of an accessory dwelling unit under this section
11 may not approve:

12 “(a) A subdivision, partition or other division of the lot or parcel so that the existing
13 single-family dwelling is situated on a different lot or parcel than the accessory dwelling unit.

14 “(b) Construction of an additional accessory dwelling unit on the same lot or parcel.

15 “(5) A county may require that an accessory dwelling unit constructed under this section
16 be served by the same water supply source or water supply system as the existing single-
17 family dwelling, provided such use is allowed for the accessory dwelling unit by an existing
18 water right or a use under ORS 537.545. If the accessory dwelling unit is served by a well,
19 the construction of the accessory dwelling unit shall maintain all setbacks from the well
20 required by the Water Resources Commission or Water Resources Department.

21 “(6) An existing single-family dwelling and an accessory dwelling unit allowed under this
22 section are considered a single unit for the purposes of calculating exemptions under ORS
23 537.545 (1).

24 “(7) Nothing in this section requires a county to allow any accessory dwelling units in
25 areas zoned for rural residential use or prohibits a county from imposing any additional re-
26 strictions on accessory dwelling units in areas zoned for rural residential use, including re-
27 strictions on the construction of garages and outbuildings that support an accessory dwelling
28 unit.”.

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